

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Curtis Dobson *et al.*  
Application No. : 10/586,416  
Filed : June 19, 2006  
For : TREATMENT OF BACTERIAL INFECTIONS

Examiner : Not Yet Assigned  
Art Unit : 1646  
Docket No. : 81599-4  
Date : August 28, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 37 U.S.C.**  
**371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents:

In Response to the Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notice"), dated July 1, 2008, this Response to which is being timely filed, Applicants hereby submit the following:

- ☒ Copy of Notification of Missing Requirements;
- ☒ Executed Oath/Declaration executed by the second inventor;
- ☒ Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825;
- ☒ Sequence Listing (computer readable form – "txt" file); and
- ☒ Sequence Listing (paper form)

The Commissioner is hereby authorized to charge the surcharge fee of \$65.00 to Deposit Account No. 04-0258. The Commissioner is also authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 04-0258.

The Commissioner is hereby requested to enter the Sequence Listing into the record as part of the Application. No new matter has been added. Should anything further be required, it is requested that the undersigned be contacted immediately.

Respectfully submitted,  
Curtis Dobson *et al.*  
DAVIS WRIGHT TREMAINE LLP

By 

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,416	Curtis Dobson	81599-4
50670 DAVIS WRIGHT TREMAINE LLP/Los Angeles 865 FIGUEROA STREET SUITE 2400 LOS ANGELES, CA 90017-2566		
INTERNATIONAL APPLICATION NO. PCT/GB05/00769		
LA. FILING DATE		PRIORITY DATE
02/28/2005		02/27/2004

CONFIRMATION NO. 2428  
371 FORMALITIES LETTER



OC000000023237006

Date Mailed: 07/01/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 07/19/2006
- Copy of the International Search Report filed on 07/19/2006
- Preliminary Amendments filed on 09/22/2006
- Biochemical Sequence Diskette filed on 07/19/2006
- Oath or Declaration filed on 07/19/2006
- Small Entity Statement filed on 07/19/2006
- Request for Immediate Examination filed on 07/19/2006
- U.S. Basic National Fees filed on 07/19/2006
- Priority Documents filed on 07/19/2006
- Specification filed on 07/19/2006
- Claims filed on 07/19/2006
- Abstracts filed on 07/19/2006
- Drawings filed on 07/19/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - The oath submitted by the IB is missing the signature of the second inventor. I do not have an IB Form 306 indicating any changes in the inventorship.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Refer to attachment or PAIR document dated .

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

WINSTON M ALVARADO

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